

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JASON CISZEWSKI,)
Plaintiff,)
v.) Civil Action No. 1:09-cv-05355
DENNY'S CORPORATION, a Delaware corporation,) Judge Matthew F. Kennelly
Defendant.)

MOTION TO INTERVENE BY PLAINTIFF IN FIRST-FILED ACTION

Nick DeBenedetto, a member of the putative nationwide class in this action and plaintiff in the first-filed statewide class action now pending in New Jersey Superior Court (Law Division), seeks leave to intervene, both as of right and by permission, pursuant to F.R.Civ.P. 24, as an additional plaintiff and putative class representative and for his counsel to be joint putative class counsel, in order to protect the interests of class members, both nationally and in New Jersey. In support of this motion, DeBenedetto has filed contemporaneously a supporting memorandum.

Dated: November 5, 2009

Respectfully submitted,

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behalf of himself and others similarly
situated*